

THE
Arraignment, Confession,
 AND
 CONDEMNATION
 OF
James Boucher, Gent.

FOR
 High Treason, upon the Statute
 made in the Ninth Year of King *William* the
 Third, for coming over from *France* with-
 out License under the Privy Seal.

AT THE
Queen's Bench Bar, Westminster,
 ON

Monday the 28th of *February*, 170³.

BEFORE

The Right Honourable the Lord Chief Justice *Holt*,
 The Right Honourable the Lord Chief Justice *Trevor*,
 The Lord Chief Baron *Ward*, Mr Justice *Powel*, Mr Justice
Powis, Mr Justice *Gould*, Mr Justice *Tracey*, Mr Baron
Bury, and Mr Baron *Price*.

L O N D O N,

Printed for *I. Cleave*, next to *Serjeants Inn* in *Chancery-lane* 1704.



James Buchanan
COMMISSIONER
General

The Arraignment, Confession
and Condemnation of *James*
Boucher, Gent. at the *Queens*
Bench Bar, February 28. 170³/₄.
before the Right Honourable
the Lord Chief Justice *Holt*;
the Right Honourable the
Lord Chief Justice *Trevor*;
the Lord Chief Baron *Ward*,
&c.

THe Court being set, the Prisoner was called,
and the Clerk of Arraignments ordered Pro-
clamation to be made, for the Under Sheriff
of *Sussex* to return the Precept, and the Keeper of
Newgate to bring into Court the Body of *James*
Boucher. Accordingly the Precept was return'd, and
the Prisoner set to the Bar.

Cl. of Arr. James Boucher hold up thy hand (*which*
he did.)

Then the Grand Jury of *Sussex's* Presentments was
read.

Sussex ff. **I**He Jurors for Our Lady
the Queen upon their
Oaths do present, That
James Boucher, late of *London*, Gent. who
B was

was a Subject of the late King *William* the III^d, and now Subject of Queen *Anne*, at the 11th day of *December* 1688, viz. the 1st day of *August* 1689, was in the Kingdom of *Ireland*, and after and before the 3^d day of *December* 1697. viz. the first day of *December* 1694. the said *James Boucher* did voluntarily go into the Kingdom of *France*, without Licence from the late King *William* the Third, or from the late Queen *Mary*: And that the said *James Boucher*, on the said 3^d day of *December* 1697. was not within the Dominions of the late King *William* the Third: And that he the said *James Boucher*, not having the fear of God in his Heart, nor weighing the Duty of his Allegiance towards Our said Lady the Queen that now is, his Supreme, True, Legitimate, Lawful and undoubted Lady; and as a false Traytor against Our said Lady *Ann*, the Queen that now is, after the 14th day of *January* 1697, viz. the 10th day of *December*, in the second Year of the Reign of Our Lady *Ann*, the Queen that now is; did Trayterously return and come into the Kingdom of *England*, viz. at *East Bourne* in the County of *Sussex*, without Licence from the late King *William* under his Privy Seal, or from Our said Lady the Queen under her Privy Seal, obtained against the Duty of his Allegiance, and against the form of the Statute in this

Case

(3)

Case provided, and against the Peace of Our said Lady the Queen, her Crown and Dignity, &c.

Cl. of Arr. What savest thou, art thou guilty of the said Treason whereof thou art Indicted, or not Guilty?

J. Boucher. Guilty

L.C. J. Holt. What say you? Speak out.

J. Boucher. Guilty.

Cl. of Arr. *James Boucher* hold up thy hand, (*which he did.*)

Then the 2d Presentment was read.

Suffex ff. **H**e Jurors of Our Lady the Queen upon their Oaths, present that *James Boucher*, late of *London*, Gent. who was a Subject of the late King *William the Third*, and now a Subject of her present Majesty; after the 13th day of *February 1688*, and before the 3d day of *February 1697*, (viz.) the 1st day of *August 1689*, was in Arms in the Service of the late King *James in Europe*, viz. in the Kingdom of *Ireland*; and that the said *James Boucher*, afterwards and before the said 3d day of *December 1697*, viz. the 1st day of *December 1694*, did voluntarily go into the Kingdom of *France*, and the 3d day of *December 1697*. was not within the Dominions of the late King *William*. That the said *James Boucher*, not having the fear of God in his Heart, and not regarding the Duty of his Allegiance to our Lady the Queen, his Supreme, True, Lawful and un-

undoubted Lady, and as a false Traytor against the said Lady the Queen, after the 14th day of *January* 1697, viz. the 10th day of *December*, in the 2d year of the Reign of Our said Lady the Queen, did Traytorously return and come into this Kingdom of *England*, viz. at *East Bourne* in the County of *Sussex*, without Licence from the late King *William* under his Privy Seal, or from Our said Lady the Queen under her Privy Seal obtained, against the Duty of his Allegiance, and against the form of the Statute in this Case made and provided, and against the Peace of Our said Lady the Queen, her Crown and Dignity, &c.

Cl. of Arr. How sayst thou, art thou Guilty of the said Treason whereof thou art indicted, or not Guilty?

J. Boucher. Guilty.

J. Boucher. My Lord, I humbly beg that I, may have leave to speak two or three words.

L. C. J. Holt. What would you say?

J. Boucher. My Lord, I humbly beg leave to speak two or three words.

L. C. J. Holt. Ay, let us hear what you have to say.

J. Boucher. My Lord, it is very well known, that I have solicited this two years, for leave to come over into *England*. And while I have been in *France*, I have done all that I could to subsist the *English* that were brought Prisoners to the *French* Camp, and have to my Power assisted them with Money, and other Necessaries, especially one Troop of Horse. I applied my self to Collonel *Lumly*, and he promised to lay my Case

Case before the Queen. But not hearing from him, I went to his Son, and he told me he had no opportunity to acquaint the Queen with it. Afterwards I was taken going for *Holland*, and then I sent to Colonel *Lumly*, and he promised to remember me. And I continued still to sollicite the Service of Her Majesties Subjects, and have procured their Horses that have been taken from them, to be restored to them. I spoke to Colonel *Godfrey*, and he promised to speak to ---- who promised to make it their Interest to procure my Return. And after the Camp was over, I came over into *England* at Noon-day, with my Children, and sent up a Letter to my Lord *Nottingham* to acquaint him where I was. It's true, I followed King *James* into *Ireland*, but had no Commission, only served the Duke of *Berwick* as *Aid du Camp*. And afterwards I went into *France*, but never served there with any Commission, but as Master of the Horse to the Duke of *Berwick*. And I did hope that the Articles of *Limerick* would take off a great part of my Offence. My Lord, I hope you will represent my Case favourably to the Queen.

Dr. Sandys, My Lord, I beg leave to speak a Word or two on behalf of the Prisoner. My Lord, I solicited-----

L. C. J. Holt, What you can say to us, will signify nothing; but if you have any thing to say for the Prisoner, you must apply your self elsewhere.

Mr. Att. Gen. My Lord, as it is my Duty, I demand Judgment against the Prisoner, upon his Confession of the two Indictments.

Cl. of Ar. James Boucher, thou hast been indicted on two Indictments, and confessed thy self Guilty of both. What hast thou to say why Sentence of Death should not be pronounced against thee?

J. Boucher, I hope your Lordship will be pleased to intercede for me to the Queen.

C

Cl. of Ar.

Cl. of *Ar.* My Lords, the Queen's Justices do strictly charge and command all Persons to keep Silence while Judgment is giving, on Pain of Imprisonment.

L. C. J. *Holt*, Mr. *Boucher*, You are, by your own Confession, convicted of High Treason, for which, Judgment of Death is to be pronounced upon you, and which you are to suffer under those Circumstances which the Law hath appointed.

The Fact of which you were Accused, and have now Confessed, is, That since the Eleventh Day of *December*, 1688, you went into *France* without License either from the late King or Queen, and have returned since the Fourteenth of *January*, 1697, without any License under the Privy-Seal, either from the late King, or Her Majesty that now is; which Fact is made High Treason by the Statute of the Ninth Year of the late King.

The Wisdom and Justice in making that Law, will be very evident to any one that will but reflect upon the posture of our Affairs at that Time: For in the Year preceding to that of the making thereof, there was an horrid Conspiracy formed from among that Party of Men who had so left the Kingdom, to assassinate the late King; to introduce a *Papish* and *French* Power, for the Subversion of the *Protestant* Religion, and the Liberties and Properties of the People of *England*; which was managed with that Privacy, carried on with that Secrecy, that it was not discovered, nay, not so much as suspected, until it arrived to that Maturity, that it was come to the very Point of being put in Execution.

The Truth of which is very clear, as well as by the Proofs produced at the Tryals of several of the Malefactors, as even by their own Confession.

In the following Year the Peace of *Reswick* was made, whereby the Intercourse was restored between *England* and *France*, from thence it was evident, that diverse of that Party of Men would return into

into the Realm, and thereby have an opportunity to revive and carry on that horrid Design, in the Success whereof they had been so disappointed, for which, no doubt, they were not a little enraged, and it could not be otherwise expected but they would make use of it : For those of the same Principles, will be guilty of the same Practices

Therefore it was necessary to make a returning into *England* by any of those who were under these Circumstances, to be so very penal, unless they should first give Satisfaction to the Government, either of their Innocence or Repentance, and obtain a License and Approbation for their Return, under the Privy-Seal; for their returning in any other manner, is a Danger to the Queen's Person, and Her Kingdom.

This Treason, tho' it seems, and is new in the Form, yet it is compounded of an Old Treason, known in the Ancient Law of the Kingdom, which is, that of Adhering to the King's Enemies. For what can be thought of those who, in Time of War, shall abandon their own Country, be harboured and protected in any Enemies Country; for being of an Interest inconsistent with, even repugnant to, that of their own?

What your Design might be in returning in this manner, whether to revive and pursue those wicked Practices, your own Conscience is your Witness, and will be your Judge, and if that shall acquit you, it will be for your Advantage in the World to come. But you are an Offender against the Law of the Land, which hath made this your Offence to be High Treason, and therefore that Judgment appointed for one guilty thereof must be pronounced; the Court therefore doth award, *That you be conveyed from hence to Newgate, the Prison from whence you came, and from thence you are to be drawn upon a Hurdle to Tyburn; where you are to be*

be banged by the Neck, and while you are alive to be cut down, your Privy Members to be cut off, and your Bowels to be cut out of your Body, and burnt in your View; your Head is to be cut off, and your Body is to be divided into four Parts, and your Head and your Quarters are to be disposed as Her Majesty shall appoint. And the Lord have Mercy upon your Soul.

Cl. of Arr. Goaler; look to your Prisoner.

J. Boucher, My Lord, I beg that my Friends may have leave to come to me.

L. C. J. Holt, You shall have such as is usual, and as is fitting.

Cl. of Arr. Take away the Prisoner.

F I N I S.

THE Tryals and Condemnations of Robert Charnock, Edward King, and Tho. Keys, Sir W. Perkins, Sir John Friend, Ambrose Rookwood, Charles Cranbourne, Robert Lovick, and Alexander Knightly, for the horrid and execrable Conspiracy, to Assassinate his late Majesty King William, in order to a French Invasion of these Kingdoms.

The Tryal of Richard Hathaway for a Cheat and Impostor, for endeavouring to take away the Life of Sarah Morduck for a Witch. In which is covered the malicious Designs of the said Impostor, with an Account of his pretended Incantations and Witchcraft. Pr. 1s.

The Tryal of Haagen Swendsen, Sarah Baynton, John Haftwell, and John Spur, for feloniously Stealing Mrs. Pleasant Rawlins, a Virgin, and Heiress of a considerable Fortune; with an Intent to cause and procure the said Pleasant Rawlins, against her Will, to marry the said Haagen Swendsen; upon which Indictment, the said Haagen Swendsen, and Sarah Baynton were found guilty. Price 1s.

The Tryal of William Fuller, upon an Information for being an Impostor, and of ill Name and Reputation, Falsely, Maliciously, Wickedly and Seditiously Contriving, Practising and Intending the late King William and his Subjects, Falsely and Unlawfully to Delude and Deceive, and Discords between the late King and his Peers, and the Noble-men of this Kingdom to excite and stir up, by publishing 2 Scandalous Libels. Price 6d. All which were Tryed before the Right Honourable the Lord Chief Justice Holt, and printed for Isaac Cleave, next Serjeant's-Inn, in Chancery-lane.

